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ORIGINAL  
FILE

RICHARD J. ARSENAULT  
(202) 835-8010

January 8, 1993

**BY HAND**

Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W. - Room 222  
Washington, D.C. 20554

Re: GEN Docket No. 90-314 and ET Docket No. 92-100

Amendment of the Commission's Rules  
to Establish New Personal Communications Services

Dear Ms. Searcy:

On behalf of Tandy Corporation, we are hereby filing an original and nine copies of its Reply Comments in the above-captioned rulemaking proceeding.

Kindly date stamp the extra copy of this filing for return to my office via messenger. If any questions arise, please contact the undersigned at 835-8010.

Sincerely,

  
Richard J. Arsenault

Enclosures

Q:21933-1

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

	)	GEN Docket No. 90-314
	)	ET Docket No. 92-100
In the Matter of	)	
	)	RM-7140, RM-7175, RM-7617,
Amendment of the Commission's	)	RM-7618, RM-7760, RM-7782,
Rules to Establish New Personal	)	RM-7860, RM-7977, RM-7978,
Communications Services	)	RM-7979, RM-7980
	)	
	)	PP-35 through PP-40, PP-79
	)	through PP-85

To: The Commission

**REPLY COMMENTS OF TANDY CORPORATION**

Tandy Corporation ("Tandy"), by its attorneys and pursuant to the Commission's Notice of Proposed Rule Making and Tentative Decision ("NPRM") released August 14, 1992, respectfully submits its Reply Comments in the above-captioned matter.<sup>1</sup>

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<sup>1</sup> In 1990, the Commission released a Notice of Inquiry in response to petitions for rulemaking to allocate spectrum for the implementation of personal communications services (PCS). See Notice of Inquiry in GEN Docket No. 90-314, released June 29, 1990. In response to that Notice, Tandy filed comments urging the Commission to encourage the development and implementation of PCS. See Comments of Tandy Corporation in GEN Docket No. 90-314, filed October 1, 1990. Tandy also supported Apple Computer, Inc.'s request for a rulemaking to establish Data-PCS. See Petition for Rulemaking filed by Apple Computer, Inc. Amendment of Section 2.106 of the Commission's Rules to Establish a New Radio Service for local Area High Speed Data Communications Among Personal Computing Devices, RM-7618 (Jan. 28, 1991). In the above-captioned NPRM, the Commission has merged the Data-PCS proceeding with the general PCS proceeding which was the subject of the Notice of Inquiry.

Tandy manufactures and sells an array of telecommunications, electronics, and computer products, including pagers, cellular telephones, cordless telephones, and portable computers. Through more than 7,000 Radio Shack, GRiD, Computer City and other affiliated stores, Tandy is the world's largest retail distributor of consumer electronics products. Tandy expects to play a leading role in manufacturing and providing equipment used for PCS and related services once such new services are authorized. Because Tandy submitted Comments in response to the NPRM in this proceeding,<sup>2</sup> and because decisions made in this proceeding will significantly affect the marketplace for PCS and equipment necessary to provide PCS, Tandy has a significant interest in this proceeding.

Tandy wishes to reiterate its concerns expressed in its Comments in this proceeding regarding the need for the Commission to consider proposals other than those included in the NPRM to ensure a fully competitive PCS marketplace.<sup>3</sup> In these Reply Comments, Tandy expresses its concerns regarding proposals for financing the relocation of existing microwave

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<sup>2</sup> See Comments of Tandy Corporation in GEN Docket 90-314 and ET Docket 92-100, filed November 9, 1992.

<sup>3</sup> To this end, Tandy suggested that the Commission should: (1) prohibit the bundling of PCS equipment and service; (2) authorize as many PCS service providers in a market as that market will accommodate; and (3) at a minimum, prohibit cellular carriers and LECs from holding PCS licenses in their service areas. See Comments of Tandy Corporation in GEN Docket 90-314 and ET Docket 92-100, filed November 9, 1992.

licensees in the 1910-1930 MHz band, which the Commission has proposed to allocate for use by unlicensed PCS devices. NPRM at para. 43.<sup>4</sup>

In its Comments, Telocator suggests the creation of a non-profit consortium (consisting of manufacturers of unlicensed PCS devices) to assume financial obligations in connection with the relocation of existing microwave licensees in the 1910-1930 MHz band.<sup>5</sup> Under Telocator's proposal, contributions by manufacturers would be based on either flat rate or projected sales, with all contributions to be equalized and reallocated.<sup>6</sup>

Tandy agrees in principle with the views of Telocator. However, because a substantial number of unlicensed PCS devices will in all likelihood be manufactured overseas, a more equitable funding arrangement would require any newly-created consortium to include both manufacturers of unlicensed PCS devices and entities which import such devices under an FCC

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<sup>4</sup> In the NPRM the Commission solicited comments regarding a negotiated relocation program for the relocation of existing licensees, but did not mention specifically a mechanism for relocating existing licensees in the 1910-1930 MHz band or for funding such a relocation. See NPRM at paras. 46-47.

<sup>5</sup> See Comments of Telocator on 1850-1990 MHz Personal Communications Services in GEN Docket 90-314 and ET Docket 92-100, at 22, filed November 4, 1992.

<sup>6</sup> Id. at 23. Motorola and Ameritech suggest adoption of a similar mechanism. See Comments of Motorola Inc. in GEN Docket 90-314 and ET Docket 92-100, at 40-43, filed November 9, 1992, and Comments of Ameritech in GEN Docket 90-314 and ET Docket 92-100, at 12, filed November 9, 1992. Hewlett-Packard argues that the Commission should constitute the Wireless Information Services Network Forum (WINForum) as a formal industry advisory committee to manage relocation of incumbents. See Comments of Hewlett-Packard Company in GEN Docket 90-314 and ET Docket 92-100, at 2-3, filed November 9, 1992, and Comments of WINForum in GEN Docket 90-314 and ET Docket 92-100, filed November 9, 1992.

grant of certification.<sup>7</sup> By including in the consortium entities which import unlicensed PCS devices under an FCC grant of certification, more of those who would benefit from the relocation of existing microwave licensees in the 1910-1930 MHz band would share equally in the burden of financing relocation. Indeed, limiting the consortium to manufacturers could very well place U.S. manufacturers at a significant competitive disadvantage *vis a vis* overseas manufacturers of unlicensed PCS devices. At the very least, those who will import unlicensed PCS devices under an FCC grant of certification would have a "free ride" at the expense of U.S. manufacturers if they are not required to contribute to the financing pool as a prerequisite to importing such devices.<sup>8</sup>

Including grantees of FCC certifications for unlicensed PCS devices in the consortium's financing pool, moreover, would not be administratively burdensome. Like many U.S. manufacturers now do, the consortium could access the Commission's PAL database which contains information concerning FCC certifications. The PAL database is up-to-date, provides the information necessary to contact grantees, and is readily accessible; as such, it would be well suited for facilitating the inclusion of grantees of FCC certifications in the consortium.

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<sup>7</sup> Tandy now imports various products under an FCC grant of certification, and expects that it will import some of its unlicensed PCS products.

<sup>8</sup> Even if a grant of certification is not required for certain unlicensed PCS devices, Tandy urges the Commission to adopt a mechanism whereby the importers (or sellers) of such devices would share proportionally in the burden of financing relocation.

## **CONCLUSION**

Tandy strongly supports the Commission's efforts to implement a Personal Communications Service and is encouraged by the FCC's recognition that only through a competitive marketplace will PCS achieve its full potential. Consistent with the Commission's goals, Tandy strongly urges the Commission to adopt its suggestions in its Comments,<sup>9</sup> and urges the Commission to require that importers of unlicensed PCS devices share the burden of financing relocation of existing licensees in the 1910-1930 MHz band.

Respectfully submitted,



John W. Pettit  
Neal M. Goldberg  
Richard J. Arsenault

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Washington, D.C. 20006  
(202) 835-8000

January 8, 1993

Counsel for Tandy Corporation

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<sup>9</sup> See note 2, supra.

**CERTIFICATE OF SERVICE**

I, Richard J. Arsenault, hereby certify that a copy of the foregoing  
Reply Comments of Tandy Corporation was mailed, by first class mail,  
postage prepaid, this 8th day of January 1993, to the following parties:

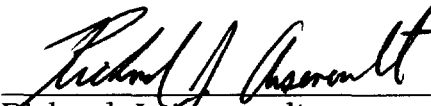
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